

REMARKS/ARGUMENTS

The Advisory Action mailed December 21, 2010 and the Final Office Action mailed September 29, 2010 have been carefully reviewed and these remarks are responsive to those Office Actions. Upon entry of this response, claims 1, 3, 5-16, 39-47 and 51-54 remain pending in this Application. Claims 1, 39, 42, 46, 47, and 51 have been amended. No new matter has been added to the amended claims. Support for the amendments to the claims may be found in paragraphs 31 and 48 of the published application. The Examiner is invited to contact the undersigned should it be deemed helpful to facilitate prosecution of the application.

Examiner Interview

Applicants thank the Examiner for the telephone conversation of January 10, 2011. During the conversation, the Examiner discussed possible claim amendments for overcoming the discussion about user profile information in the Billmaier reference. The Examiner requested that the claim language be amended to recite either “favorite series related to the selected episode” or “most viewed series related to the selected episodic series title.” The Examiner stated that the amended claims would then overcome the references of record. Thus, Applicants have amended the claims as suggested by the Examiner.

Rejections Under 35 U.S.C. § 103

Claims 1, 42 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. (U.S. Publication No. 2003/0167471), hereinafter referred to as Roth, in view of Billmaier et al. (U.S. Publication No. 2003/0106054), hereinafter referred to as Billmaier.

Independent claim 1 has been amended to recite, among other things:

displaying additional windows in the substantially small portion of the display screen that include textual and graphical indicia of additional episodic series related to the episodic series displayed in the first window such that the streamed on-demand episode is still visible, wherein the additional episodic series include favorite series related to the selected episode

None of the references of record disclose or suggest at least this feature of independent claim 1. The Office Action on pages 3-4 admits that Roth does not disclose or suggest this feature of claim 1 (*See*; Office Action, page 3, “Roth fails to explicitly teach displaying

additional windows in the substantially small portion of the display screen that include textual and graphical indicia of additional episodic series, wherein the additional episodic series include favorite series.”) However, on pages 3-4, the Office Action alleges that Billmaier describes this feature of claim 1. Billmaier describes a sequence of cards that “graphically represents available options within an information system.” (*See*; Billmaier, Abstract.) While the cards of Billmaier “may include various types or combinations of artwork, digital photography, captured video frames, animations, or the like,” (*See*; Billmaier, paragraph 26) the cards are not configured to “display additional windows in the substantially small portion of the display screen that include textual and graphical indicia of additional episodic series related to the episodic series displayed in the first window such that the streamed on-demand episode is still visible, wherein the additional episodic series include favorite series related to the selected episode,” as claimed. The Office Action tries to cure this deficiency by citing paragraph 75 of Billmaier, which discusses that “information targeted to the user based on user profile information” may be displayed. (*See*; Billmaier, paragraph 75.) However, the display of information based on user profile information is not equivalent to the display of favorite series, as claimed. Instead, the user profile may include information completely unrelated to a favorite series; for instance, the user profile includes information related to a person’s sex, age, marital status, etc. Therefore, basing the display of information on a user profile is not the same as displaying favorite series related to the selected episode, as claimed. As discussed during the interview with the Examiner on January 10, 2011, the amended claim feature recited above overcomes the art of record. Therefore, claim 1 is in condition for allowance.

Independent claim 42 recites, among other things:

automatically display in the display screen textual and graphical indicia of additional episodic series related to the episodic series title selected by the user, wherein the additional episodic series include most viewed series related to the selected episodic series title

None of the references of record disclose or suggest at least this feature of independent claim 42. The Office Action on page 6 admits that Roth does not disclose or suggest this feature of claim 1 (*See*; Office Action, page 6, “Roth fails to explicitly teach display in the display screen textual and graphical indicia of additional episodic series related to the episodic series title, the additional episodic series include most viewed series.”) However, also on page 6, the

Office Action alleges that Billmaier describes this feature of claim 1. As stated above, Billmaier describes a sequence of cards that “graphically represents available options within an information system.” (*See*; Billmaier, Abstract.) While the cards of Billmaier “may include various types or combinations of artwork, digital photography, captured video frames, animations, or the like,” (*See*; Billmaier, paragraph 26) the cards are not configured to “display in the display screen textual and graphical indicia of additional episodic series related to the episodic series title selected by the user, wherein the additional episodic series include most viewed series related to the selected episodic series title,” as claimed. The Office Action tries to cure this deficiency by citing paragraph 75 of Billmaier, which discusses that “information targeted to the user based on user profile information” may be displayed. (*See*; Billmaier, paragraph 75.) However, the display of information based on user profile information is not equivalent to the display of most viewed series, as claimed. Instead, the user profile includes information completely unrelated to most viewed series; for instance, the user profile includes information related to a person’s sex, age, marital status, etc. Therefore, basing the display of information on a user profile is not the same as displaying most viewed series, as claimed. As discussed during the interview with the Examiner on January 10, 2011, the amended claim feature recited above overcomes the art of record.

Therefore, claim 42 is in condition for allowance. Claims 43-45 depend from independent claim 42 and are distinguishable for at least the same reasons as claim 42, and further in view of the various features recited therein. Independent claim 51 has been amended to recite similar features to those discussed above for independent claim 42; hence, claim 51 is allowable for similar reasons to those given above for claim 42. Claims 52 and 54 depend from independent claim 51 and are distinguishable for at least the same reasons as claim 51, and further in view of the various features recited therein.

Claims 3, 5-10, 12, 13-15, 16, 39, 44, 46, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth, in view of Billmaier, and in further view of Ellis (US 7,493,643 B2). Ellis does not cure the deficiencies of Roth and Billmaier discussed above. Independent claim 46 has been amended to include features similar to those discussed above for claim 1. Therefore, independent claim 46 is in condition for allowance for similar reasons to those discussed above for claim 1. Claims 3, 5-10, 12, 13-15, 16, 39, and 47 depend from independent

claim 46 and are distinguishable for at least the same reasons as claim 46, and further in view of the various features recited therein. Claim 44 depends from independent claim 42 discussed above and is distinguishable for at least the same reasons as claim 42, and further in view of the various features recited therein. Claim 53 depends from independent claim 51 discussed above and is distinguishable for at least the same reasons as claim 51, and further in view of the various features recited therein.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth, in view of Billmaier, further in view of Ellis and further in view of Deweese (US 2005/0262542). Deweese does not cure the deficiencies of Roth and Billmaier discussed above. Claim 11 depends from independent claim 46 discussed above and is distinguishable for at least the same reasons as claim 46, and further in view of the various features recited therein.

Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth, in view of Billmaier, further in view of Ellis and further view of Fukuda et al. (US 2004/0068740 A1, hereinafter referred to as "Fukuda"). Ellis and Fukuda do not cure the deficiencies of Roth and Billmaier discussed above. Claims 40-41 depend from independent claim 46 and are distinguishable for at least the same reasons as claim 46, and further in view of the various features recited therein.

All rejections having been addressed, Applicant respectfully submits that this application is in condition for allowance, and respectfully requests issuance of a notice of allowance.

Respectfully submitted,

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